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Summary record of the 1632nd meeting*
Held at the Palais Wilson, Geneva, on Thursday, 3 May 2018, at 3 p.m.

Chair: Mr. Modvig

Contents

Consideration of reports submitted by States parties under article 19 of the Convention (*continued*)

Sixth periodic report of Czechia (continued)

* No summary record was issued for the 1631st meeting.

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 19 of the Convention (*continued*)

Sixth periodic report of Czechia (*continued*) (CAT/C/CZE/6; CAT/C/CZE/QPR/6)

1. *At the invitation of the Chair, the delegation of Czechia took places at the Committee table.*

2. **Mr. Faltýn** (Czechia), replying to the Committee's question about the decision of the European Court of Human Rights in *D.H. and others v. the Czech Republic* (CAT/C/SR.1629), said that the new inclusive education system, which had been introduced in 2015, was open to all children without distinction. The measures taken in response to the decision included significant amendments to the Education Act, such as the broadening of the definition of "special education needs" to include students who, owing to their health, culture of origin or other considerations, required support in order to exercise their right to education on an equal basis with others. Such support was offered free of charge and included counselling, special curricula, and admissions, testing and school-leaving policies, personalized education plans, special textbooks and equipment and other teaching aids. Basic support could be provided by the school directly, whereas more complex arrangements had to be recommended by the school counselling facility and agreed to by the student or his or her legal guardian. In the case of students with disabilities, the school counselling facility could recommend placement in a special class or transfer to a special school if support measures alone were insufficient to fulfil the right to education. The consent of the student or legal guardian was also required in such situations.

3. The mild mental disability annex had been abolished in favour of a single, mainstream framework education programme to be adapted to students' needs. In addition, students in special schools had been undergoing a fresh assessment by the school counselling facilities to identify possible mistakes in past diagnoses and promote the best interest of the child. Nearly 2,500 students had transferred from special schools to mainstream schools since the 2015/16 academic year.

4. Another consequence of the Court's decision was the reform of school counselling facilities. Their services should be provided on request by either a student or legal guardian or by the school. The role of the facilities was primarily to produce recommendations regarding necessary support measures and ensure that they were properly implemented. In addition, the role of the Czech School Inspectorate had been expanded to include advisory services with the aim of improving the education system and enhancing the implementation of measures for inclusiveness. For instance, the Inspectorate could be requested to review a recommendation issued by a school counselling facility.

5. Since the roll-out of inclusive education, fewer children with disabilities were educated in special schools: over 75 per cent of them were enrolled in mainstream establishments. The amended Education Act had required a 5 per cent increase in the education budget, and other measures had been put in place to assist Roma children, including the provision of school lunches, transportation and supplies. The amendment of the Education Act had also introduced compulsory preschool education for 5-year-old children. Special education needs had been taken into account in the development of the new preschool programme. Since the start of the programme, enrolment in preschool education had increased by 5 per cent, though more attention needed to be paid to socially excluded areas.

6. **Mr. Janků** (Czechia) said that efforts were ongoing to improve conditions in police cells. New facilities had been built and older ones refurbished, taking into account the recommendations of the Public Defender of Rights (Ombudsperson), the Subcommittee on Prevention of Torture and non-governmental organizations (NGOs), in particular with regard to direct sunlight and access to the outdoors. There were two types of police cells, namely short-term lock-ups, for up to 6 hours, and longer-term cells. The length of police custody depended on the offence and could not exceed 24 hours for administrative measures taken pursuant to the Police Act or 72 hours for criminal offences. Persons in police custody could request medical attention from a doctor of their choosing; however,

any examination was at their expense. Information on the rights and duties of detainees was available in all police stations in 20 language versions.

7. Body searches were an important means of protecting both persons in police custody and police officers. While it was true that there were no specific regulations governing body searches, it was understood that they were to be conducted when a detainee was suspected of being in possession of a weapon or other illicit object. When removal of clothing was necessary, the search was carried out in stages so that the detainee was never fully naked. Body searches were not recorded and were conducted in areas designed to preserve privacy and dignity. A list was kept of any confiscated items. The same procedures applied to minors. With regard to the presence of a police officer during medical examinations, efforts were made to balance the inmate's right to privacy with the needs of the police. It should be noted that the police officer was not physically present in the room but merely watched from outside.

8. The General Inspection of Security Forces had been established in 2012 as an independent body with the power to initiate criminal proceedings against members of all security forces, including the police, prison personnel and customs officials, under the supervision of the public prosecutor. Its director was appointed by the Prime Minister on the advice of a committee of the Chamber of Deputies and reported directly to him. In 2015 and 2016, the General Inspection had prosecuted over 500 cases involving a total of more than 320 security force members, though only a small proportion involved the improper use of force.

9. The Government published an annual report on extremism, including hate crimes. Among the most successful programmes to uphold public order and safety in socially excluded areas were the crime prevention assistant projects funded by the Ministry of the Interior. There were currently 500 assistants operating in 150 municipalities whose prime functions included providing a more visible presence on the ground and mediating local disputes. The number of violent attacks against minorities was decreasing, and prevention efforts were particularly focused on online hate speech.

10. **Ms. Chmelíčková** (Czechia) said that the issue of expelling persons from problematic countries, such as the Syrian Arab Republic, Afghanistan, Iraq and Somalia, was still under discussion between the Ministry of the Interior, the police and the Ombudsperson. Changes had nonetheless already been made; for example, assessments of the risk of refoulement had been strengthened, as had cooperation with the Ministry's country of origin information unit, and the police informed detained foreign nationals of the Council Regulation (EC) No. 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the member State responsible for examining an asylum application lodged in one of the member States by a third-country national (Dublin Regulation) and their right to free legal aid before being transferred to a detention facility. In late 2017, the Ministry, in conjunction with the Ombudsperson and the Office of the United Nations High Commissioner for Refugees, had launched a pilot project to test psychosocial interviews as a non-medical method of determining the age of unaccompanied minors. However, the Czech Republic did not have the requisite qualified professionals, though potential candidates had been identified and would be trained by international experts in the autumn of 2018. Some 1,450 applications for international protection had been filed in 2017; asylum had been granted to nearly 30 individuals from Myanmar, the Syrian Arab Republic, Turkey and Ukraine, while subsidiary protection had been granted to over 115 individuals, including stateless persons and nationals of Cuba, Iraq, Ukraine and Uzbekistan.

11. She could not confirm the allegations that some persons arriving at Prague Airport were denied access to the asylum procedure, but the Ministry of the Interior had recently reviewed operations at the airport and had found no deficiencies. Moreover, 2017 figures showed that over 10 per cent of all asylum applications were filed at the airport. Relevant information was visibly displayed in the border control area and the immigration teams were composed in such a way as to maximize the number of languages spoken. Cooperation was good between the management of the refugee facilities and the Ministry of the Interior, such that Ministry personnel had little more to do than hand over asylum seekers to the reception centre located at the airport.

12. Both the Police Act and the Aliens Act provided clear grounds for requiring asylum seekers to pay for their accommodation. However, following the intervention of the Ombudsperson, the procedural guarantees contained in the Aliens Act had been strengthened. Henceforth, decisions on whether or not a person was required to pay were transmitted to him or her in the presence of an interpreter or in a language he or she understood. In addition, foreign nationals were given 400 koruny when released from detention for purposes other than deportation or transfer to an asylum centre. They were also free to avail themselves of voluntary return programmes at the State's expense.

13. Her Government was making every effort to find alternatives to detention for asylum-seeking families with children. One alternative was the establishment of open reception centres for asylum seekers in transit to other European countries, at least in cases where the authorities had some assurance that the families would not abscond. Members of the Committee were invited to visit the country's detention and reception centres. She urged members in particular to visit the Bělá-Jezová centre, where conditions for families were very good and a new building with minimum security measures would soon be completed.

14. Administrative detention was not a sanction, but an administrative measure used as a tool of last resort. Its use was governed by the Aliens Act, the text of which had been reviewed by the European Commission.

15. The number of stateless persons in Czechia was very low. However, residence permits were available to them. Between 2009 and 2015, international protection had been granted to 174 persons: asylum in 19 cases and subsidiary protection in 155 cases. Approximately 600 persons had been issued with residence permits of various types under the Aliens Act. Since the amendment to the Act, the Ministry of the Interior was responsible for deciding on applications for residence under the 1954 Convention relating to the Status of Stateless Persons. Few such applications had been made, as stateless persons more usually requested asylum, and such requests fell under a different procedure. Given the low numbers involved, the Czech Administrative Code, together with the Aliens Act, provided a sufficient framework for dealing with stateless persons, and there was no need to introduce a special procedure. The Act on the Citizenship of the Czech Republic, No. 186/2013, had introduced many new provisions aiming at the prevention of statelessness, especially for children. Low numbers of applications made its effectiveness hard to assess, but a slight increase in applications had been detected. As of January 2017, almost 500,000 foreigners were present in Czechia, and permanent residency had been granted to 55 per cent of that number.

16. **Ms. Hodysová** (Czechia) said that definition of torture was being discussed as part of the amendment of the Criminal Code and included the criminal prosecution of less serious forms of ill-treatment. The Criminal Code fell under the responsibility of the Ministry of Justice. From 2011 to 2017 there had been 60 extraditions from Czechia and 75 extraditions from a foreign State to Czechia.

17. Pursuant to the amendments to the Act on the Legal Profession, as of 1 July 2018, access to legal aid would be reinforced. Applicants would be provided with legal services and representation in administrative proceedings or proceedings before the Constitutional Court. They would be entitled to at least 30 minutes of consultations, with a maximum of 120 minutes a year. The legal aid provided to migrants and asylum seekers in detention facilities had no time limit.

18. Regarding conditions in detention centres, as of 30 April 2017, the prison population in Czechia stood at 22,029 persons. That included 7.3 per cent women, 0.4 per cent minors and 7.6 per cent foreign prisoners. The significant decrease in the prison population in 2013 had been due to a general amnesty granted by the President of Czechia in January of that year, which had resulted in the freeing of more than 6,000 prisoners. The subsequent rise in the prison population was the result of recidivism and rearrest. Overall prison capacity was slightly more than 21,000, thus yielding an occupancy level of 105 per cent. Penal policy was currently aimed at reducing the prison population through the use of alternative punishments, including the decriminalization of less severe acts and the use of financial rather than custodial sanctions. House arrest under electronic control was undergoing tests,

and would be in operation as of June 2018. The policy, which was addressed in detail in the prison policy outline known as the Concept of the Prison System until 2025, also sought to reduce recidivism. Its core aim was to prepare prisoners for release and prevent recidivism through action plans on education, treatment for addiction, employment, health care and social reintegration. Plans were under way to build extensions to existing prison buildings to reduce overcrowding, and in 2017 the first open prison in Czechia had been inaugurated. That facility was used for prisoners arriving at the end of their sentences.

19. Solitary confinement as a disciplinary sanction was regulated by the Ministry of Justice. The sanction could not exceed 20 days for adults and 10 days for minors. Approval by a doctor was required for each prisoner before solitary confinement took place. Prisoners in solitary confinement could not work or take part in treatment programmes, but had access to outdoor exercise and legal, educational and religious reading material. In 2016, there had been 43 cases of solitary confinement, mostly for less than 7-day periods.

20. Currently, there were 80 minors held in Czech prisons. Pursuant to the Imprisonment Act, minors were kept separate from adult prisoners. Conditions were monitored by the prison service, the Public Prosecutor and the national preventive mechanism. Stress was laid on basic and vocational education and on social training. Attendance at schools outside the prison was also possible.

21. Health care was provided by three prison hospitals. More than 450 doctors and nurses were distributed among the 35 prisons in the country. Where prison health care was not available, care was provided by general hospitals. Prisoners in need of psychiatric care were placed in prisons providing such care. In the past 15 years there had been an average of 11 suicides per year, which was below the European average. Prisoners considered at risk of suicide were placed in special cells and monitored more frequently. In the past year there had been 36 deaths in Czech prisons, and the Committee would be provided with full information in that connection.

22. Prisoners' complaints were dealt with promptly, according to the procedure described in paragraphs 123 to 126 of the report. Compensation for violence by the security forces was regulated by the State Liability Act, No. 82/1998, concerning liability for damage incurred in the course of the exercise of public powers through a decision or incorrect administrative procedure. Victims of all forms of ill-treatment were entitled to financial assistance under the Act on Victims of Crime.

23. **Mr. Machačka** (Czechia) said that the Office of the Ombudsperson in Czechia, created in 2000, had not initially been envisaged as a national human rights institution according to the Paris Principles. However, in accordance with international obligations taken on by the country, it had developed into such a body. Its terms of reference included conducting inquiries, making analyses and then submitting recommendations to public institutions and other actors. While it was true that the institution had no means of enforcement, the effectiveness of the recommendations could be gauged to an extent by the fact that out of six recommendations made to the parliament in 2015, only one remained unfulfilled. One out of the five recommendations made in 2016 had been fulfilled, with the others simply requiring more time to carry out. The Ombudsperson had played an important role in areas such as better pay for working prisoners, the regulation of extraditions, improved conditions in police cells and in detention centres, guidelines for use of restraints in the medical service, inclusive education and education in general. As an independent body, founded in law, it now broadly fulfilled the Paris Principles, but further adjustments might be necessary before full accreditation status was possible, and discussions between the Government and the Ombudsperson were ongoing to that effect.

24. The Government's campaign against racism and hate violence had been launched in 2014, coordinated by the Agency for Social Inclusion. Its main activity centred around a media campaign featuring a web page aimed at challenging stereotypes and racist jokes and raising public awareness about discrimination. There was also a much-visited Facebook page. Three hundred "Hate-Free Zones", with restaurants, shops and services that had agreed to participate, had been established and were open to minority groups. The campaign included educational activities in schools and had so far trained 100 school mediators to resolve problems between groups. A training programme to assist the police in

combating hate crime and violence had also been established. A government website had been set up and a programme aimed at helping local authorities had been introduced to foster social inclusion. The campaign had ended in 2017, but many of its activities remained, and a new campaign, building on the more successful aspects of the previous one, was under preparation and would be launched in 2019.

25. **Ms. Hlaváčová** (Czechia) said that Czechia had received 1.5 million koruny from the European structural and investment funds, which would be used in the ongoing reform of the mental health-care system in the country. The aim was to establish 100 mental health centres throughout all regions of the country. The first five centres would open in July 2018. Emphasis had been placed on the protection of the human rights of mental health patients, and the quality of care in all psychiatric hospitals was at present being assessed with the involvement of the World Health Organization.

26. Regarding the use of restraint in psychiatric care, cage beds were forbidden by Czech law, and the Ministry of Health was considering issuing a total ban on net beds, the use of which was dwindling. The hospitals still using net beds had reduced their number, and their use was governed by very strict regulations. Alternative methods of restraint were employed. Use of restraint was governed by the Health Care Services Act, which stipulated that where restraint was used, local and centralized records had to be maintained. In April 2018, the Ministry of Health issued new, legally binding guidelines on the use of restraints in Czech medical facilities. Restraint was a measure of last resort, and the principle of the least restraining means must be selected. The guidelines also included time limits for use.

27. The court proceedings in respect of the death of Věra Musilová had ended in November 2013. After a thorough investigation, the case had been dismissed. Regarding the 2012 death at Dobřany Psychiatric Hospital, investigations by the police, the Ombudsperson and the Ministry of Health had led to a decision that the hospital services had not been guilty of neglect.

28. Training of medical personnel in the detection of signs of ill-treatment or torture formed part of the curricula of persons training in the specialities most likely to encounter such signs, such as general practitioners, paediatricians, psychiatrists and geriatricians. 2008 Ministry of Health guidance set out procedures for providing health care to persons at risk of domestic violence, including children and older persons. The guidance applied also in cases of suspicion of domestic violence and its scope was not limited to doctors, but included other medical personnel.

29. The Government was aware of the important role played by medical personnel in detecting signs of ill-treatment and the positive impact of their obligation to report cases of ill-treatment to the authorities. Under the Health-Care Services Act, physicians must maintain confidentiality; however, there were important exceptions, including the legal obligation to report crimes such as serious assault, sexual abuse, abuse committed by a person in a position of trust, and child abuse and neglect. The anticipated legislative amendment to introduce a general obligation for physicians to report suspected ill-treatment had not yet been enacted, but work would continue on a bill that balanced that need with existing confidentiality requirements.

30. In relation to surgical castration, she drew the Committee's attention to paragraphs 166 and 167 of the State party's report. The central commission of medical experts had approved three out of a total of nine applications for castration received since 2012. However, once the commission had made its recommendation, the applicant could freely choose whether or not to undergo the procedure.

31. **Mr. Čiulík** (Czechia) said that, under the Social Services Act, victims of violence, including sexual, gender-based and domestic violence, had at their disposal a variety of social services. Intervention centres offered persons at risk of violence free and immediate assistance. Shelters provided residential services for a transitional period for people who had experienced violence and no longer had a safe home. Some were reserved exclusively for victims of domestic violence, and their addresses were not made public. Professional and social counselling was provided to victims of violence in counselling centres immediately after they reported experiencing abuse. All victims of human trafficking could make use of social services for assistance and protection.

32. A basic overview of services provided to victims was provided in annex 3 to the State party's report. According to the Social Services Act, all social service providers must formally register with the State, giving details of their location, the service they provided, the personnel they employed, their opening hours, and the number of individuals they could receive. The State gathered data on social services both at the national and regional levels. The users of social services were divided into subgroups, including victims of gender-based violence. The Government would supply the relevant up-to-date data to the Committee and an overview of the funding allocated to social services in 2017.

33. **Ms. Baršová** (Czechia) said that the State party had already ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. The ratification process for the Optional Protocol to the Convention on the Rights of Persons with Disabilities had been discontinued due to parliamentary elections but was set to be resumed and completed.

34. The Committee for the Prevention of Domestic Violence and Violence against Women worked very closely with the Government and had recently been involved in the production of a gender equality campaign that had aired on both public and private television channels.

35. The issue of involuntary sterilization was still regularly discussed in the Government Council for Roma Minority Affairs, notably in relation to specific counselling, support and other assistance for victims. The Prime Minister had explained in an open letter to the Council of Europe Commissioner for Human Rights that the compensation of former victims of involuntary sterilization had not been approved by the Government owing chiefly to the difficulties associated with assessing cases from the distant past when medical records and other evidence had not been retained.

36. **Mr. Heller Rouassant** (Country Rapporteur) said that he was pleased that the statistics presented by the delegation showed that the incidence of racism, xenophobia and extremism had decreased since 2014 and that the State party had introduced new measures at Prague Airport as well as fostering closer cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR). While he appreciated that alternatives were being explored for the detention of asylum seekers with children, he was still unclear about what action the State party planned to take. Would it be creating new reception centres for families with children?

37. Although the representative of the Ministry of the Interior had said that no structural changes were necessary in relation to stateless persons, the Ombudsperson had found national legislation to be out of step with the definition of statelessness provided in the Convention relating to the Status of Stateless Persons. He encouraged the Government to amend its legislation accordingly as a matter of priority. He was also concerned that the State party, according to its replies, had not advanced with the legislative changes required to create a national human rights institution. The Government was encouraged not only to establish such an institution but also to broaden the mandate of the Ombudsperson, in line with the Paris Principles.

38. While the approval of new methodological guidelines on the use of restraints was welcome, assessing their implementation was difficult, as records were kept on the number of times that restraints were used but not on the methods employed. As the Ombudsperson and others had reported that net beds were still in use, he encouraged the Government to pay greater attention to how restraints were employed in practice.

39. With regard to procedures for detecting torture, he had not heard whether the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) was included in training on identifying cases of torture, which would be in keeping with the Optional Protocol to the Convention. Lastly, he considered that the issue of providing compensation and redress to victims of involuntary sterilization had yet to be resolved satisfactorily.

40. **Mr. Touzé** (Country Rapporteur) said that it was encouraging that the State party had developed an inclusive education programme to solve the problems posed by the placement of Roma children in educational establishments for children with disabilities.

However, he would appreciate more information about its implementation in practice. As some reports suggested a high proportion of Roma children in special schools, he would welcome statistics on the number of children in special and ordinary schools that were Roma.

41. While the supplementary information provided on conditions of detention in police cells was welcome, the delegation had not explained how it planned to follow up on each of the criticisms made by the Ombudsperson in that regard. The absence of a formal protocol for carrying out body searches was a legal loophole; it would be in the interests of the Government to create a legal framework so that officials performing body searches could be sure to act in accordance with the law. In addition, the presence of law enforcement officials during medical examinations, albeit behind a screen, put psychological pressure on detained persons, particularly if they had previously suffered ill-treatment. It would be better to reserve police presence for exceptional cases rather than to keep it as the routine practice.

42. A number of non-governmental organizations had reported operational problems with electronic surveillance. Had the State party resolved those problems?

43. He wished to know whether prisoners were able to challenge the use of solitary confinement when imposed as a disciplinary measure, whether the State party would consider allowing NGOs access to monitor places of detention and interview prisoners as a means of providing external and independent oversight, whether prisoners identified as being at risk of suicide were automatically seen by a psychiatrist and when the State party intended to review its policy of obliging certain categories of detained persons to pay towards the costs of their incarceration, as recommended by the Committee in its previous concluding observations (CAT/C/CZE/CO/4-5). He would also welcome data on the health-care personnel employed in the prison health system, disaggregated by their profession, and more information on complaints by prisoners, in particular to explain why so few seemed to have led to formal investigations.

44. **Ms. Belmir** said that she wished to know what the State party's specific definition of statelessness was and whether it was in line with the 1954 Convention relating to the Status of Stateless Persons. She reiterated her concerns — also expressed by the United Nations High Commissioner for Human Rights in October 2015 — that body searches were routinely carried out on migrants and asylum seekers in order to confiscate money to cover the cost of their involuntary detention, and that the grounds on which foreign nationals could be detained for breach of their "duties" seemed vague.

45. **Mr. Hani** said that he wondered what could account for the seemingly small proportion of asylum applications that were granted by the State party in 2017 and what the current situation was of those persons whose applications had been denied. As the national preventive mechanism, the Ombudsperson had recently been given responsibility for monitoring deportations. He would therefore like to know whether the Ombudsperson was automatically informed of expulsions, whether it had oversight of expulsion decisions and whether it had the resources necessary to perform those functions.

46. **The Chair** said he was concerned that a dearth of coherent procedures and guidelines had resulted in a somewhat dysfunctional prison health-care system, which might explain why there had been some difficulty in recruiting health-care staff in sufficient numbers. He urged the State party to consider overhauling the entire system in order to establish clear safeguards, guidelines and procedures and to create an attractive working environment with defined career opportunities and continuous training for qualified medical professionals.

The meeting was suspended at 5.20 p.m. and resumed at 5.30 p.m.

47. **Mr. Faltýn** (Czechia) said that, in the light of the decision of the European Court of Human Rights in the case of *D.H. and others v. the Czech Republic*, which had ruled that the treatment of Roma pupils in the State party's education system amounted to discrimination, efforts had been made to collect data on the number of Roma children attending special and mainstream schools. Collecting data relating to ethnicity was, however, a sensitive subject in Czechia, particularly among the Roma population, which

was often unwilling to provide such information. The data, which would be provided to the Committee in writing, was therefore based only on estimates provided by school principals.

48. **Mr. Janků** (Czechia) said that the recommendations of the Ombudsperson were widely distributed within the Ministry of the Interior and police headquarters, in much the same way as were the decisions of the courts. Such recommendations were incorporated into police training and any necessary action was taken, including the development of new procedures. The best practices of other countries were also taken into account.

49. **Ms. Chmelíčková** (Czechia) said that, under the Aliens Act, safeguards to ensure individual assessments of the risk of refoulement, including for asylum seekers from the Syrian Arab Republic and Afghanistan, had been introduced in 2015. However, given the sheer scale of the migrant crisis in 2015, those measures had not always been consistently implemented in practice. Following the intervention of the Ombudsperson, specific measures had been taken to strengthen the system, and further improvements were also planned. As to the detention of families with children, they were housed in a reception centre for asylum seekers which had, until 1 May 2018, been a closed facility but was now also operating as an open centre for certain categories of persons. Regarding stateless persons, the Government did not believe that there were any procedural gaps stemming from the lack of a definition of statelessness. Stateless persons were not excluded from the system; they were treated in the same way as were other foreign nationals. The Administrative Code was applicable to all administrative proceedings, including those involving foreign nationals and, hence, stateless persons. In many cases, stateless persons sought asylum under the provisions of the Asylum Act or requested to regularize their status under the Aliens Act. Following concerns raised by the UNHCR, however, a dedicated member of staff and a new methodology had been established in the department responsible for asylum and migration. Nevertheless, no fundamental changes to the system were considered to be necessary, although the situation would continue to be closely monitored.

50. The detention of a foreign national was ordered on the grounds of either administrative expulsion — in the event that he or she had breached one of the duties set forth in paragraph 119 of the Aliens Act — or transfer to another European Union country under the Dublin Regulation. In the former case, the police were required to establish and record in detail any breach requiring an administrative expulsion. The police file and the subsequent decision to detain the foreign national were closely scrutinized by the courts. Regarding the seemingly low rate of approved asylum applications, it should be pointed out that, of the 1,450 cases processed in 2017, very few had actually involved persons from refugee-producing countries, such as the Syrian Arab Republic, Iraq or Belarus. For instance, just over 300 cases had involved repeated applications, which required substantial new evidence in order for asylum to be granted and, thus, were often unsuccessful; more than 400 had involved persons from Ukraine, which was considered, as many other European Union countries, to be a safe country of origin; and around 500 applications had involved persons from countries such as Armenia, the Republic of Moldova and Kazakhstan who were attempting to abuse the system in order to receive medical care in Czechia or to travel onwards to other European countries. A number of applications had also been processed under the Dublin Regulation, which meant that the merits would be considered in another country and not in Czechia. Taking that information into account, the rate at which asylum was granted seemed to be reasonable. Lastly, the Ombudsperson had two full-time staff members who monitored expulsions of foreign nationals and had also received funding from the European Commission Asylum, Migration and Integration Fund. It was therefore not only sufficiently able to monitor expulsions carried out in Czechia but also those effected by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex).

51. **Ms. Hodysová** (Czechia), replying to questions raised by Mr. Touzé, said that the system of electronic monitoring was currently being piloted with a limited number of prisoners who were serving their sentences under house arrest. Many of the problems previously identified had been resolved and it was hoped that the system would be fully operational very soon. Prisoners had the right to appeal the use of solitary confinement as a disciplinary measure. The prison governor had five days in which to issue a decision and

many decisions were also subject to judicial review. As things stood, there were no immediate plans to allow NGOs to monitor conditions in places of deprivation of liberty. Many NGOs were, however, involved in treatment programmes and activities in places of detention and thus already had access to those facilities and contact with inmates. Preventive measures were immediately taken for detained persons deemed to be at risk of suicide. Moreover, training for prison staff on how to handle crisis situations included what to do in such an event. While no change in the policy requiring certain categories of detainees to pay towards the costs of their detention was currently foreseen, there were certain exemptions, which were detailed in the periodic report. An initial medical examination was always conducted on admission to a place of detention, with the aim of detecting any signs of ill-treatment. There were not, however, any specific procedures in place, as had rightfully been pointed out by the Chair. In that connection, the 2016 official policy outline of the prison system contained measures aimed at improving the working environment in the prison health-care system and attracting medical professionals. Lastly, regarding the data on complaints by prisoners, it should be noted that most complaints related to issues such as standards of accommodation and health care. Only around 10–20 complaints concerning ill-treatment were made each year.

52. **Ms. Hlaváčová** (Czechia) said that the Health-Care Services Act regulated the use of restraints in psychiatric institutions. While net beds, which prevented a patient from freely exiting the bed, could still be used, in practice they were used only rarely and only following an individual assessment. The vast majority of institutions had, in fact, already phased out the use of net beds and the Ministry of Health was considering introducing a full ban. Nevertheless, health-care providers were required to maintain comprehensive records on the use of restraints, while bearing in mind legislation relating to the protection of personal data.

53. **Ms. Baršová** (Czechia) said that she wished to thank the Committee for the fruitful and constructive dialogue, which had provided the opportunity to inform the Committee of the progress made and the challenges that still remained in Czechia. The Committee's comments and recommendations would duly be reflected on in an effort to find ways to further improve the situation.

54. **The Chair** said that, in the interests of maintaining an ongoing dialogue, the State party was invited to submit, in addition to the follow-up report on specific issues, an implementation plan for the recommendations contained in the concluding observations.

The meeting rose at 6 p.m.